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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,244	12/22/2005	Franz Amtmann	AT03 0034 US1	6063
65913	7550	03/05/2009		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131				
EXAMINER				
KHAN, OMER S				
ART UNIT		PAPER NUMBER		
2612				
NOTIFICATION DATE		DELIVERY MODE		
03/05/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

### Office Action Summary

**Application No.**

10/562,244

**Applicant(s)**

AMTMANN ET AL.

**Examiner**

Omer S. Khan

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 11 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. See Fig 1 transponder is the integrated circuit and comprises every element of the circuit. Claim 11 fails to further limit the claim.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant is claiming storage means that is intended firstly to store a distinguishing dataset of the transponder, wherein the distinguishing dataset is characteristic for the transponder, and secondly to store an identifying dataset of the transponder. However, the paragraph 29 of the specification

explicitly states that the distinguishing data and identifying dataset are the same and are formed by a serial number SN. For the purpose of examination it will be assumed that applicant is claiming a distinguish identity dataset, i.e. a unique ID.

### ***Drawings***

4. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Fig 1 does not show the communication station and a random number generator that are being claimed. Drawing must show every element of the claimed subject matter. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Cato in US 5539394.

Consider claims 1 and 6, Cato discloses a method and apparatus of an integrated circuit for a transponder 10 contains process-controlling 41 means that is intended for controlling an inventory for placing the transponder in an inventory of a communication station 21, and transponder contains storage means 43 that is intended firstly to store a distinguishing dataset of the transponder, wherein the distinguishing dataset is characteristic for the transponder, and secondly to store an identifying dataset of the transponder, wherein the identifying dataset is characteristic for the transponder and is intended for placing the transponder in an inventory, and wherein the transponder includes transmission-parameter selecting means that is intended firstly to receive a part of the distinguishing dataset that is read from the storage means by using the hash value, and secondly to select a transmission parameter from a set of transmission parameters by using the part of the distinguishing dataset that has been received, where in selected transmission parameter is suitable for transmitting, from the transponder to the communication station, the identifying dataset that is intended for placing the transponder in an inventory, characterized in that hash-value generating means for generating the hash value is provided in the transponder.

Cato discusses a RFID reader is communicating wirelessly with the tags by transmitting an interrogation signal, **Col. 5 I. 20-31**, tag is responding back to the interrogation signal after computing its own time slot, **Col. 9 I. 11-21**, tag receives an acknowledging clear response when the tags time slots matches with the reader's time slot, **Col. 9 I. 22-26, 33-37**.

The invention is accomplished by the reader first broadcasting a set of parameters to all the tags in the read volume. The broadcast initiates a series of time slots with which the reader and the tags get synchronized. Each tag uses the broadcast parameters, their unique identity, and some or all the data they contain to calculate a time slot in which it will communicate with the reader. The parameters transmitted from the reader to the tags can be, but are not limited to, a hashing base number (which is the same as the number of time slots), a data field selector, a hashing algorithm identifier, and a command. The individual tag's time slot selection calculation is done based on a hashing algorithm, **Col. 3 l. 31-43**. The base number is used as a divisor to calculate the hashed number. The tag's identification serial number is divided by a divisor (the hashing base number) to produce a remainder (the hashed number) which corresponds to the communication time slot in which the tag will transmit, **Col. 5 l. 50-55**.

Consider claim 2, a method as claimed in claim 1, characterized in that, in the inventory-making process, a time slot is selected from a time-slot sequence by using the part of the distinguishing dataset that has been read out, and in that, in the inventory-making process, the identifying dataset for the transponder is transmitted from the transponder to the communication station by using the selected time slot, **Col. 5 l. 50-55**.

Consider claims 3 and 8, a method as claimed in claim 1, characterized in that the hash value, i.e. the hashed number, is generated by means of a hash-value counting stage provided in the transponder, **Col. 5 l. 50-55.**

Consider claims 4 and 9, a method as claimed in claim 3, characterized in that the hash-value counting stage is set to a preset starting hash value after a power-on reset in the transponder or in its integrated circuit.

Tags are powered by radiation from the reader or by any other convenient means, i.e. passive tags, and they will receive their hash base value upon interrogation – when the tags are powered by radiation. After calculating its own time slot, the tag will count time slots until its time slot occurs as set forth graphically in the timing chart of FIG. 4. **Col. 2 l. 53-54, col. 9 l. 17-19.**

Consider claims 5 and 10, a method as claimed in claim 1, characterized in that the hash value is generated by means of a random number generator provided in the transponder.

Efficient hashing operation during read cycles requires matching the algorithm to the encoding of information and selecting the proper randomizing divisor for the sample universe, **Col. 4 l. 11-14.** In order to distribute ASCII nonrandom data smoothly, the hashing algorithm must match the nature of the data. Thus the necessity to vary the hashing algorithm used. Cato does not show a random generator; however, if the base hash value can be the proper randomizing divisor then the remainder hashed value will

be a random value. Nevertheless, Cato incorporates by reference, U.S. Pat. No. 4,471,345 describes a tag and portal system for monitoring the whereabouts of people wearing the tags. Up to six tags may be simultaneously interrogated as their holders pass through a doorway. The tags respond to interrogation signals generated by the portal and their response occurs after a pseudorandom delay. The tag circuit employs a pseudorandom sequence generator. The pseudorandom delay is used to avoid data collisions by the six responding tags.

Consider claim 7, A circuit as claimed in claim 6, characterized in that the integrated circuit contains, as transmission-parameter selecting means, time-slot selecting means, which time-slot selecting means are designed to select a time slot from a time-slot sequence, which selected time slot is suitable for transmitting, from the integrated circuit to the communication station, the identifying dataset intended for the placing of the integrated circuit or the transponder containing the integrated circuit in an inventory, **Col. 3 l. 31-43, Col. 5 l. 50-55.**

Consider claim 11, a transponder, characterized in that the transponder (1) is provided with an integrated circuit as claimed in claim 6. **Col. 4 l. 45,** Transponder 10 is integrated into a chip.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omer S. Khan whose telephone number is (571)270-5146. The examiner can normally be reached on M-F 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian A. Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Omer S Khan/  
Examiner, Art Unit 2612

/Brian A Zimmerman/  
Supervisory Patent Examiner, Art Unit 2612